

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

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|--------------------------|---|-----------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | No. 3:17-CR-086 |
| |) | |
| JIMMY MCLAIN MOORE |) | |

MEMORANDUM AND ORDER

The defendant, a resident of California, is charged in this district with conspiring to distribute fifty grams or more of methamphetamine. Following the defendant's arrest, a California magistrate judge entered an order allowing pretrial release.

The United States then promptly filed in this court a motion for review and stay of the California release order. [Doc. 37]. This court granted a stay and referred the motion to United States Magistrate Judge Debra Poplin for a report and recommendation ("R&R"). Magistrate Judge Poplin conducted an evidentiary hearing on April 16, 2018. Now before the court is the magistrate judge's R&R recommending that the United States' motion be denied as to the defendant's continued detention. [Doc. 54].

A district court is both statutorily and constitutionally required to conduct a *de novo* review of a magistrate judge's report and recommendation. *See United States v. Shami*, 754 F.2d 670, 672 (6th Cir. 1985). However, it is necessary only to review "those portions of the report or specified proposed findings or recommendations to

which objection is made.” 28 U.S.C. § 636(b). The district court need not provide *de novo* review where objections to a report and recommendation are frivolous, conclusive, or general. *See Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986).

No objections have been filed to the present R&R, and the time for doing so has now passed. [Doc. 54, p.28]. The undersigned has nonetheless thoroughly reviewed the R&R and the pretrial services documents from the United States Probation Office.

Finding itself in general agreement with the magistrate judge of this district, and in consideration of the United States’ absence of objection to that magistrate judge’s recommendation, the court **ADOPTS** the findings of fact and conclusions of law set out in the report and recommendation [doc. 54]. It is therefore **ORDERED** that the United States’ “Emergency Motion Under 18 U.S.C. 3145 for Revocation of Magistrate Judge’s Release Order” [doc. 37] is **DENIED**.

The defendant is ordered released on the original conditions set by the California magistrate judge, as modified and supplemented by the additional conditions recommended by Magistrate Judge Poplin. [Doc. 54, p.27]. However, the defendant shall remain in custody pending his appearance at a hearing before Magistrate Judge Poplin at 11:00 a.m. on Monday, April 30, 2018, to execute any necessary documents consistent with this memorandum and order.

This case remains set for trial on July 10, 2018, in Knoxville, Tennessee.

IT IS SO ORDERED.

ENTER:

s/ Leon Jordan
United States District Judge